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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,560	04/15/2004	Kevin Erik Hultquist	1928-0149PUS2	6540
2292	7590	09/21/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			GRAHAM, GARY K	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	
			1744	
			NOTIFICATION DATE	
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			09/21/2007	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/824,560	Applicant(s) HULTQUIST ET AL.	
	Examiner Gary K. Graham	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20050214</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinchman (US patent 1,575,163).

The patent to Hinchman discloses the invention as is claimed. Hinchman discloses a link (18) for use in wiper mechanisms (figs.1,2). The first end of the link has at least one socket for connection to a driver (21) and the second end has a plurality of sockets (19) for connection to a driver (16) via pin (20). The effective length of the rod can be changed by employing a different one of the plurality of sockets (19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinchman (US patent 1,575,163).

The patent to Hinchman discloses all of the above recited subject matter with the exception of a particular length for the link and a particular material for the link.

While Hinchman is silent as to length and material, such are all obvious variations of Hinchman selectable based on design choice. The particular length employed would relate more to the particular size of windshield to be wiped than on any inventive concept. Likewise, the particular material employed to make the link would relate more to the choice of the manufacturer and the availability of materials than on any inventive concept. It would have been obvious to one of skill in the art to make the rod of Hinchman of any length and material so desired, including as claimed, lacking any criticality of such, as a mere design choice.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyler (US patent 3,016,766) in view of Hinchman (US patent 1,575,163).

The patent to Hoyler discloses the invention substantially as claimed, including a link (1) for use in a windshield wiper mechanism (fig.4). The link has a socket (2,3), one at each end thereof, for receipt of plastic bushing (4) which forms a bearing surface. The wiper mechanism includes a motor (22) driving a crank (23) with crank driver pin (24) thereon which is received into the bushing within one of the sockets of the link. A pivot (20) has a pivot lever (21) with lever driver (6) thereon and a first end receiving wiper arm (19).

The patent to Hoyler discloses all of the above recited subject matter with the exception of the link having a plurality of sockets at the second end, a particular length for the link and a particular material for the link.

The patent to Hinchman discloses all of the above recited subject matter.

Art Unit: 1744

It would have been obvious to one of skill in the art to provide the link of Hoyler with a plurality of sockets at the second end, as clearly suggested by Hinchman, to enable adjustment of the link and thus the particular stroke of the wiper blade. Providing a plurality of holes in connecting rods to enable adjustment of the operation of the system is well known.

While Hoyler is silent as to length and material, such are all obvious variations of Hoyler selectable based on design choice. The particular length employed would relate more to the particular size of windshield to be wiped than on any inventive concept. Likewise, the particular material employed to make the link would relate more to the choice of the manufacturer and the availability of materials than on any inventive concept. It would have been obvious to one of skill in the art to make the rod of Hoyler of any length and material so desired, including as claimed, lacking any criticality of such, as a mere design choice.

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyler (US patent 3,016,766) in view of Hinchman (US patent 1,575,163) as applied to claims 1 and 6 above, and further in view of Hoshino (US patent 5,619,886).

The patents to Hoyler and Hinchman disclose all of the above recited subject matter with the exception of either or both the lever driver having a plurality of mounting positions on the lever via the lever driver being asymmetric and the crank driver having a plurality of mounting positions on the crank via the crank driver being asymmetric.

The patent to Hoshino discloses providing an asymmetrical driver (16a) on either the crank (3) or the pivot lever (7) of a windshield wiper mechanism (fig. 1b) to enable angle adjustment by changing the effective length of the drive or driven structure. Rotation of the asymmetric ball joint provides for the adjustment.

Art Unit: 1744

It would have been obvious to one of skill in the art to provide the modified system of Hoyler with asymmetrical drivers for either the crank or lever, as clearly suggested by Hoshino, to enable angle adjustment within the wiper mechanism. Such would enable fine tuning of the wiper system for the particular vehicle.

With respect to claim 11, to provide the offset mounting of asymmetrical ball joint for both the crank and lever as suggested by Hoshino, instead of just one, would have been obvious to one of skill in the art. Such would only act to multiply the effect of the asymmetric ball joint by allowing for increased adjustment throughout the wiper system. Such a modification would be well within that which one of skill in the art would find obvious as the resultant structure would yield predictable results.

Conclusion

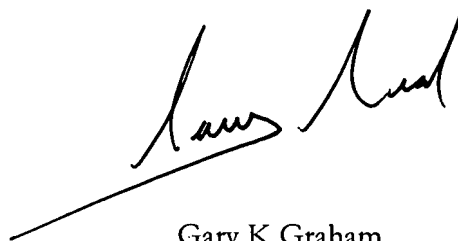
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Gary K. Graham", is written over a horizontal line.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
17 September 2007